

## SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Applicant : Gene P. DiPoto  
App. No. : 10/686,063  
Filed : October 15, 2003  
For : CANNULA FOR RECEIVING SURGICAL  
INSTRUMENTS  
Examiner : Unknown  
Group Art Unit : 3731

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Enclosed is form PTO-1449 listing twenty seven (28) references. Copies of disclosed U.S. patents and/or publications are not included pursuant to PTO waiver of the requirement under 37 C.F.R. § 1.98(a)(2)(i) for applications filed after June 30, 2003. Copies of other references, if listed, are enclosed.

Applicant makes no admission that the references submitted in this or any other Information Disclosure Statement in this application are prior art. In particular, Applicant makes no admission that the references that have an effective date between the filing date of the parent application (Feb. 10, 2003) and the filing date of the prior application (May 15, 2001) are prior art. Applicant believes that most, if not all, of the pending claims are supported by the disclosure of the prior application and are entitled to the benefit of the filing date thereof.

This Supplemental Information Disclosure Statement is being filed before the receipt of a first Office Action on the merits, and presumably no fee is required in accordance with 37 C.F.R. § 1.97(b)(3). If a first Office Action on the merits was mailed before the mailing date of this Statement, the Commissioner is authorized to charge the fee set forth in 37 C.F.R. § 1.17(p) to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: March 5, 2004

By: Andrew M. Douglas

Andrew M. Douglas  
Registration No. 51,212  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.  
ENDIUS.027CPC1APPLICATION NO.  
10/686,063SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT  
BY APPLICANT

(USE SEVERAL SHEETS IF NECESSARY)

APPLICANT  
Gene P. DiPotoFILING DATE  
October 15, 2003GROUP  
3731

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPROPRIATE)
	1	530,728	12/11/1894	Sherbrook			
	2	2,313,164	03/09/1943	Nelson			
	3	4,573,448	03/1986	Kambin	128	1	
	4	5,395,317	03/1995	Kambin	604	51	
	5	5,688,223	11/18/1997	Rosendahl	600	215	
	6	5,795,291	08/18/1998	Koros et al.	600	232	
	7	5,944,658	08/31/1999	Koros et al.	600	232	
	8	6,024,697	02/15/2000	Pisarik	600	224	
	9	6,139,493	10/31/2000	Koros et al.	600	215	
	10	6,175,758	01/1991	Kambin	600	426	
	11	6,361,488	03/2002	Davison et al.	600	102	
	12	2003/0040656 A1	02/2003	Pagliuca et al	600	102	
	13	6,530,880	03/2003	Pagliuca	600	102	
	14	2003/0073998 A1	04/2003	Pagliuca et al	606	61	
	15	2003/0153927 A1	08/2003	DiPoto et al.	606	108	
	16	2003/0153911 A1	08/2003	Shluzas	606	61	
	17	2003/0167058 A1	09/2003	Shluzas	606	61	
	18	6,648,888 B1	11/2003	Shluzas	606	61	
	19	6,530,926	03/2003	Davison et al.	606	61	
	20	6,652,553	11/2003	Davison et al.	606	190	
	21	2003/0236529 A1	12/03	Shluzas et al.	606	105	

EXAMINER INITIAL	OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)	
	16	Co-pending U.S. Application No. 10/440,231, filed 5/16/03, titled Cannula for receiving surgical instruments, and assigned to the assignee of this application.
	17	Co-pending U.S. Application No. 10/441,319, filed 5/16/03, titled Cannula for receiving surgical instruments, and assigned to the assignee of this application.
	18	Co-pending U.S. Application No. 10/440,002, filed 5/16/03, titled Cannula for receiving surgical instruments, and assigned to the assignee of this application.

EXAMINER

DATE CONSIDERED

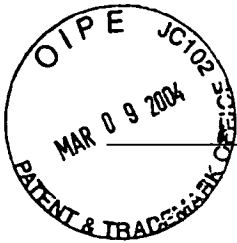
\*EXAMINER: INITIAL IF CITATION CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP 609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED, INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  <b>SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT          BY APPLICANT</b>  (USE SEVERAL SHEETS IF NECESSARY)	ATTY. DOCKET NO. ENDIUS.027CPC1	APPLICATION NO. 10/686,063
	APPLICANT Gene P. DiPoto	
	FILING DATE October 15, 2003	GROUP 3731

EXAMINER INITIAL	OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)
	19 Co-pending U.S. Application No. 10/440,278, filed 5/16/03, titled Cannula for receiving surgical instruments, and assigned to the assignee of this application.
	20 Co-pending U.S. Application No. 10/439,979, filed 5/16/03, titled Cannula for receiving surgical instruments, and assigned to the assignee of this application.
	21 Co-pending U.S. Application No. 10/439,385, filed 5/16/03, titled Cannula for receiving surgical instruments, and assigned to the assignee of this application.
	22 Co-pending U.S. Application No. 10/435,730, filed 5/9/03, titled Method for performing a surgical procedure and a cannula for use in performing the surgical procedure, and assigned to the assignee of this application.
	23 Co-pending U.S. Application No. 10/713,820, filed 11/14/03, titled Cannula for receiving surgical instruments, and assigned to the assignee of this application.
	24 Co-pending U.S. Application No. 10/686,154, filed 10/15/03, titled Method of securing vertebrae, and assigned to the assignee of this application.
	25 Co-pending U.S. Application No. 10/678,744, filed 10/2/03, titled Minimally invasive access device and method, and assigned to the assignee of this application.
	26 Co-pending U.S. Application No. 10/658,736, filed 9/9/03, titled Methods and apparatuses for treating the spine through an access device, and assigned to the assignee of this application.
	27 Co-pending U.S. Application No. 09/772,605, filed 1/30/01, titled Method for performing a surgical procedure and a cannula for use in performing the surgical procedure, and assigned to the assignee of this application.
	28 Amendment to U.S. Application No. 09/772,605, filed 1/30/01, Office Action dated 10/31/03, Response to Office Action filed 2/2/04.

H:\DOCS\CRH\CRH-1693.DOC  
011904

EXAMINER	DATE CONSIDERED
*EXAMINER: INITIAL IF CITATION CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP 609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED, INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.	



**PATENT**

Case Docket No. ENDIUS.027CPC:

Date: March 5, 2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Gene P. DiPoto  
Appl. No. : 10/868,063  
Filed : October 15, 2003  
For : CANNULA FOR RECEIVING  
SURGICAL INSTRUMENTS  
Examiner : Unknown  
Group Art Unit : 3731

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

March 5, 2004

*(Signature)*  
Andrew M. Douglas, Reg. No. 51,212

**TRANSMITTAL LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing in the above-identified application are:

- (X) A Supplemental Information Disclosure Statement;
- (X) A PTO Form 1449 listing twenty eight (28) references, eleven (11) enclosed; and
- (X) Return prepaid postcard.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410

*(Signature)*  
Andrew M. Douglas  
Registration No. 51,212  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

H:\DOCS\CRH\CRH-1696.DOC  
011904